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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

GREAT OAKS WATER COMPANY,

Plaintiff and Appellant,

v.

SANTA CLARA VALLEY WATER
DISTRICT,

Defendant and Respondent.

H035885

(Santa Clara County

Super. Ct. No. CV053142)

Plaintiff Great Oaks Water Company (Great Oaks) brought this appeal from the trial court's denial of its request for attorney fees in an action where it secured a judgment against defendant Santa Clara Valley Water District (District) based upon the latter's allegedly unlawful fixing of a groundwater extraction charge, and allegedly improper application of the proceeds of the charge. Great Oaks contends that it should have been awarded its fees pursuant to Code of Civil Procedure section 1021.5, which authorizes such an award "to a successful party . . . in any action which has resulted in the enforcement of an important right affecting the public interest," provided certain conditions are satisfied. Great Oaks contends that the trial court erred by concluding that the conditions were not satisfied.

This appeal, however, is a companion to the appeal in *Great Oaks Water Company v. Santa Clara Valley Water District*, No. H035260, in which the District has challenged

the judgment underlying the application for fees at issue here. By separate opinion in that matter this court has now reversed the underlying judgment in its entirety. It follows that Great Oaks is no longer “a successful party” for purposes of the statute it relies on here, and that its claims of error in this matter are therefore moot.

The order denying the application for attorney fees under Code of Civil Procedure section 1021.5 is affirmed.

RUSHING, P.J.

WE CONCUR:

PREMO, J.

ELIA, J.

Great Oaks Water Company v. Santa Clara Valley Water District
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